

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Attorney Ref.: ZP193-05002
)	
Inventor: Richard NAVARRO, <i>et al.</i>)	Examiner: Julianna Nancy HARVEY
)	Data Manager: Lamont Fletcher
)	
Application No.: 10/552,094)	Group Art Unit: 3733
)	
Filed: October 4, 2005)	Confirmation No.: 4200
)	
For: Artificial Disc Prosthesis)	Date Submitted: March 2, 2010

Mail Stop ISSUE FEE
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS

Dear Sir:

The following remarks are submitted in response to the Notice to File Corrected Application Papers (the "Notice"), which was mailed on February 25, 2010, in the above-referenced patent Application. The Applicants paid the issue fee in the present Application on February 26, 2010, but did not receive the Notice until March 1, 2010. As of the time of this writing, the Notice is not available on Private PAIR's Image File Wrapper for the present Application. Therefore, at the time of paying the issue fee, the Applicants were not aware of the present issues cited in the Notice. The Notice states that Figures 3, 3c, 4, 6, and 15 contain unreadable data. Appropriate replacement drawings are submitted herewith. In addition, and as required, a copy of the Notice is also submitted herewith.

In preparing the replacement drawings for submission, the Applicants have discovered several other Figures, though not objected to now or during prosecution, that are somewhat lacking in clarity. Therefore, in addition to the requested replacement drawings, the Applicants are also submitting replacement sheets for Figures 1, 2, 3a, 3b, 5, 7-14, 16-21, 23, and 24. These Figures have not yet been objected to by anyone in the patent office, however, the Applicants believe that the submitted replacement drawings are of much better quality and clarity, and will better serve the public disclosure aspect of

the issued patent. The undersigned has personally reviewed the originally filed drawings and compared them to the replacement drawings submitted herewith, and believes that the replacement drawings contain no new matter. As stated, the replacement Figures are simply a better, clearer reproduction of originally filed drawings.

In addition to the reasons stated above, the present application is a parent of continuing U.S. Patent App. Nos. 11/361,131 and 11/362,424, both filed on February 24, 2006. During prosecution of the '131 and '424 applications, the Figures at issue with the present Notice, as well as the additional Figures that the Applicant wishes to replace herein, were replaced on July 13, 2006. These replacement drawings of July 13, 2006 were of a better quality and clarity than those originally filed in their respective applications. Those replacement drawings were not found to contain any new matter in the continuing applications.

The Figures submitted herewith are believed to be mere reproductions of those submitted on July 13, 2006 in the '131 and '424 applications. Therefore, the replacement drawings submitted herewith similarly do not contain new matter.

The Applicants thank the Office for bringing these issues to their attention, and, since the issue fee has already been paid, respectfully request prompt entry of replacement Figures 1-21, 23, and 24 into the record and issuance of the above-cited Application.

Respectfully submitted,

MIDDLETON REUTLINGER

Date: March 2, 2010

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,094	10/04/2005	Richard R. Navarro	ZP193-05002	4200

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EXAMINER	
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3733	

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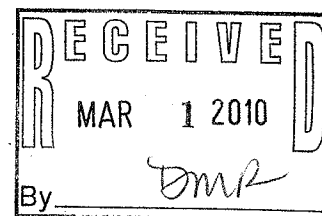
Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

from Eli 3/1/10

DOCKETED BY <i>lym</i>
DATE <i>3/1/10</i>
AUTHORIZED BY _____
DATE _____

2010



Application No. 10/552094_____ Drawings filed 10/04/05_____

IDENTIFICATION OF DRAWING DEFICIENCIES

- ☐ There is a hole or the image thereof within the illustration. FIG(s)_____
- ☐ The character of the lines, numbers and letters is poor. FIG(s)_____
- ☐ The illustration is penetrated or traversed by a solid or broken line that is not intended to be part of the drawing, such as a dark line caused by a flaw in the copying process. FIG(s)_____
- ☐ An ink stamp or an image obscures part of the illustration. FIG(s)_____
- ☐ The drawing is marred by black smudges, obliterations, or fax/copier marks. FIG(s)_____
- ☐ Figure numbers are duplicated or missing. FIG(s). _____
- ☐ Numbers, letters, or reference characters in the drawing have been crossed out by hand or are illegibly handwritten. FIG(s)_____
- ☐ The drawing's background shows that the original drawing was made on graph paper or other paper with a pattern or decoration. FIG(s)_____
- ☐ The FIG. number label is placed in a location that causes the drawing to be read upside down. FIG(s)_____
- ☐ Data, a reference number, or part of the drawing is truncated or missing. FIG(s)_____
- ☐ The drawing is continued onto a second page (or more) without proper labeling under 37 CFR 1.84(u)(1). FIG(s)_____
- ☐ The drawing and/or the FIG. label contain(s) foreign language. FIG(s)_____
- ☐ Color drawings are present in this application but the following 37 CFR 1.84(a) requirements have not been met*:
 - ☐ Petition filed
 - ☐ Petition fee
 - ☐ 3 sets of color drawings
 - ☐ Color drawing paragraph

*If color drawings are not elected, then applicant **must respond** so stating. Also, references to color drawings in the specification, if any, must be amended.381.

COMMENTS: Figs. 3, 3C, 4, 6 & 15 contain unreadable data. Please provide replacement drawings.



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Serial No. : 10/552094
Applicant: Navarro
Filing Date : 10/04/05
Date Mailed : 02/25/10

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Notice of Allowance Mailed

This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

Applicant is given 2 months from the mail date of this Notice within which to correct the informalities indicated below. If the informality pertains to the abstract, specification (including claims) or drawings, the informality must be corrected with an amendment in compliance with 37 CFR 1.121 (or, if the application is a reissue application, 37 CFR 1.173). Such an amendment may be filed after payment of the issue fee if limited to correction of informalities noted herein. See Waiver of 37 CFR 1.312 for Documents Required by the Office of Patent Publication, 1280 Off. Gaz. Patent Office 918 (March 23, 2004). In addition, if the informality is not corrected until after payment of the issue fee, for purposes of 35 U.S.C. 154(b)(1)(iv), "all outstanding requirements" will be considered to have been satisfied when the informality has been corrected. A failure to reply will result in the application being ABANDONED. This period for reply is NOT extendable under 37 CFR 1.136(a).

See attachment.

Figs. 3, 3C, 4, 6 & 15 contain unreadable data. Please provide replacement drawings.

*A copy of this notice **MUST** be returned with the reply. Please address response to
"Mail Stop Issue Fee, Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450".*

Lamont Fletcher _____

Office of Data Management
Phone: 703-756-1558